

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-THIRD LEGISLATURE

NINETEENTH LEGISLATIVE DAY
FRIDAY, JANUARY 30, 2015

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 67 members present.

Absent – Barbieri, Perry, Shepherd. Total – 3.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Emily Luker, Page.

3RD ORDER

Approval of Journal

January 30, 2015

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Eighteenth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Gannon. Report adopted.

There being no objection, the House advanced to the Fifth Order of Business.

5TH ORDER

Report of Standing Committees

January 30, 2015

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 52](#), [H 53](#), [H 54](#), [H 55](#), [H 56](#), [H 57](#), and [H 58](#).

WILLS, Chairman

[H 52](#), [H 53](#), [H 54](#), and [H 55](#) were referred to the Transportation and Defense Committee.

[H 56](#), [H 57](#), and [H 58](#) were referred to the Environment, Energy, and Technology Committee.

January 30, 2015

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration [H 31](#) and recommend that it do pass.

RAYBOULD, Chairman

[H 31](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

7TH ORDER

Motions, Memorials, and Resolutions

HOUSE JOINT MEMORIAL NO. 2

BY RESOURCES AND CONSERVATION COMMITTEE

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, THE SECRETARY OF THE INTERIOR, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixty-third Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Caldera area of the Island Park region in eastern Idaho has been suggested as a potential national monument that could be established under the provisions of the 1906 Antiquities Act; and

WHEREAS, the current multiple use and private land protections policies governing the management of this area generally have served the interests of local residents; and

WHEREAS, cattle ranching and agriculture, the main economic drivers in this area, will be substantially impacted by any land management decisions regarding this landscape. Agriculture is the single biggest economic contributor to the State of Idaho. Idaho's farms and ranches represent 11.7 million acres in rural Idaho and the sales of farm and ranch projects contribute nearly \$7.6 billion to Idaho's economy. Ranching and farming play a substantial role in the state's heritage and identity and should be preserved; and

WHEREAS, a national monument designation affects land use by imposing restrictions on development, resource extraction and land swaps with resulting local impacts such as diminished economic possibilities and restrictions on access; and

WHEREAS, the designation suggestion was made without the use of any local collaborative process; and

WHEREAS, the Idaho Roadless Rule, is Idaho's 2006 plan that provides a framework for use and protection for more than nine million acres of federal public backcountry. The rule is held to be a nationwide model of collaboration among groups and individuals with divergent interests and concerns. The Roadless Rule specifically prescribes protective management under the "Wildland/Recreation" theme. It is feared that utilization of the Antiquities Act would overturn the agreement reached in the formulation of the Idaho Roadless Rule with no effort to reach consensus through collaboration; and

WHEREAS, national monument designation would impact local wildlife managers as well as impact the right to hunt and fish in the area, a place where Idaho residents, families and visitors can enjoy these Idaho traditions; and

WHEREAS, in the November 2014 election, an advisory vote relating to the suggested national monument designation was taken in Fremont County, which contains the area of suggested designation. The results were that about 93 percent of the 3,798 voting opposed any such designation.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we oppose any national monument designation in the Caldera area of the Island Park region in eastern Idaho.

BE IT FURTHER RESOLVED any efforts to reach decisions regarding lands of Idaho administered by federal agencies be made by local collaboration, rather than by unilateral administrative processes that exclude the residents of Idaho.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of the Interior, the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

[HJM 2](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

8TH ORDER

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 59 BY BUSINESS COMMITTEE AN ACT

RELATING TO PLUMBING; AMENDING SECTION 54-2617, IDAHO CODE, TO REVISE THE TIME PERIOD FOR RENEWAL OF EXPIRED PLUMBING CERTIFICATE OF COMPETENCY, TO PROVIDE FOR AN INACTIVE CERTIFICATE OF COMPETENCY FOR CERTAIN PERSONS AND TO PROVIDE FOR A TEMPORARY CERTIFICATE OF COMPETENCY IN CERTAIN SITUATIONS.

HOUSE BILL NO. 60 BY BUSINESS COMMITTEE AN ACT

RELATING TO THE DIVISION OF BUILDING SAFETY; AMENDING SECTION 67-2601A, IDAHO CODE, TO AUTHORIZE THE ADMINISTRATOR TO ENTER INTO AGREEMENTS WITH VENDORS AND CONTRACTORS AND TO PROVIDE A CORRECT CODE REFERENCE.

HOUSE BILL NO. 61 BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE AN ACT

RELATING TO JUVENILE CORRECTIONS; AMENDING SECTION 20-520, IDAHO CODE, TO AUTHORIZE PROBATION FOR A JUVENILE OFFENDER UNDER CERTAIN CONDITIONS AND TO PROVIDE A CORRECT CITATION.

HOUSE BILL NO. 62 BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE AN ACT

RELATING TO VICTIM RESTITUTION; AMENDING SECTION 10-1110, IDAHO CODE, TO PROVIDE FOR LIENS RESULTING FROM RESTITUTION OWED TO A CRIME VICTIM; AND AMENDING SECTION 11-101, IDAHO CODE, TO PROVIDE FOR EXECUTION ON JUDGMENTS FOR RESTITUTION OWED TO A CRIME VICTIM AND TO PROVIDE FOR A WRIT OF EXECUTION UNDER CERTAIN CONDITIONS.

HOUSE BILL NO. 63 BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE AN ACT

RELATING TO BAIL; AMENDING SECTION 19-1507, IDAHO CODE, TO REMOVE A PROVISION RELATING TO A BENCH WARRANT FOR A BAILABLE OFFENSE AND TO PROVIDE A CODE REFERENCE; AND AMENDING SECTION 19-2915, IDAHO CODE, TO PROVIDE FOR THE SETTING OF BAIL WHEN A DEFENDANT FAILS TO APPEAR BEFORE THE COURT UNDER CERTAIN CONDITIONS.

HOUSE BILL NO. 64 BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE AN ACT

RELATING TO IMPRISONMENT; AMENDING SECTION 18-309, IDAHO CODE, TO PROVIDE CREDIT FOR A PERIOD OF INCARCERATION SERVED AS A CONDITION OF PROBATION IN CERTAIN INSTANCES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 19-2603, IDAHO CODE, TO REVISE A PROVISION RELATING TO A FINDING THAT A DEFENDANT HAS VIOLATED PROBATION AND TO PROVIDE THAT A DEFENDANT SHALL RECEIVE CREDIT FOR TIME SERVED IN CERTAIN INSTANCES; AND AMENDING SECTION 20-209A, IDAHO CODE, TO REMOVE A PROVISION RELATING TO CREDIT FOR TIME SPENT IN CUSTODY PENDING TRIAL, SENTENCING OR APPEAL.

HOUSE BILL NO. 65 BY NATE AN ACT

RELATING TO THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION; AMENDING CHAPTER 1, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-125B, IDAHO CODE, TO PROVIDE DUTIES OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION RELATING TO THE SMARTER BALANCED ASSESSMENT CONSORTIUM; AND DECLARING AN EMERGENCY.

[H 59](#), [H 60](#), [H 61](#), [H 62](#), [H 63](#), [H 64](#), and [H 65](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

10TH ORDER Second Reading of Bills and Joint Resolutions

[H 20](#), [H 21](#), and [H 22](#), by Education Committee, were read the second time by title and filed for third reading.

[H 16](#), by Transportation and Defense Committee, was read the second time by title and filed for third reading.

[H 35](#), by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

[S 1002](#) and [S 1003](#), by Finance Committee, were read the second time by title and filed for third reading.

11TH ORDER**Third Reading of Bills and Joint Resolutions**

Mr. Moyle asked unanimous consent that [H 14](#) retain its place on the Third Reading Calendar until Monday, February 2, 2015. There being no objection, it was so ordered.

[H 15](#) - MOTOR VEHICLES

[H 15](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Kauffman to open debate.

The question being, "Shall [H 15](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen, Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, Miller, Monks, Moyle, Nielsen, Nye, Packer, Palmer, Pence, Raybould, Romrell, Rubel(Green), Rusche, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 58.

NAYS – Cheatham, McMillan, Mendive, Nate, Redman, Rudolph, Scott, Sims. Total – 8.

Absent – Barbieri, Chew, Perry, Shepherd. Total – 4.
Total – 70.

Whereupon the Speaker declared that [H 15](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 10](#) - INCOME TAX

[H 10](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Dayley to open debate.

The question being, "Shall [H 10](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen, Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Raybould, Redman, Romrell, Rubel(Green), Rudolph, Rusche, Scott, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 65.

NAYS – Sims. Total – 1.

Absent – Barbieri, Chew, Perry, Shepherd. Total – 4.
Total – 70.

Whereupon the Speaker declared that [H 10](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 11](#) - SALES TAX EXEMPTIONS

[H 11](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Rudolph to open debate.

The question being, "Shall [H 11](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen, Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Raybould, Redman, Romrell, Rubel(Green), Rudolph, Rusche, Scott, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 66.

NAYS – None.

Absent – Barbieri, Chew, Perry, Shepherd. Total – 4.
Total – 70.

Whereupon the Speaker declared that [H 11](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 12](#) - SALES TAX

[H 12](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Anderson to open debate.

Pursuant to Rule 38(3), Ms. Sims disclosed a conflict of interest regarding [H 12](#).

The question being, "Shall [H 12](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gestrin, Gibbs, Harris, Hartgen, Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Raybould, Redman, Romrell, Rubel(Green), Rudolph, Rusche, Scott, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 66.

NAYS – Gannon. Total – 1.

Absent – Barbieri, Perry, Shepherd. Total – 3.
Total – 70.

Whereupon the Speaker declared that [H 12](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 13](#) - INCOME TAX

[H 13](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nye to open debate.

The question being, "Shall [H 13](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen, Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Raybould, Redman, Romrell, Rubel(Green), Rudolph, Rusche, Scott, Sims,

Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 67.

NAYS – None.

Absent – Barbieri, Perry, Shepherd. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 13](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 34](#) - ADMINISTRATIVE PROCEDURE ACT

[H 34](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Collins to open debate.

The question being, "Shall [H 34](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen, Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Raybould, Redman, Romrell, Rubel(Green), Rudolph, Rusche, Scott, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 67.

NAYS – None.

Absent – Barbieri, Perry, Shepherd. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 34](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 41](#) - APPROPRIATIONS - STATE INDEPENDENT LIVING COUNCIL

[H 41](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. King to open debate.

The question being, "Shall [H 41](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen, Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Raybould, Redman, Romrell, Rubel(Green), Rudolph, Rusche, Scott, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 67.

NAYS – None.

Absent – Barbieri, Perry, Shepherd. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 41](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 36](#) - INCOME TAX

[H 36](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Erpelding to open debate.

The question being, "Shall [H 36](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen, Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Raybould, Redman, Romrell, Rubel(Green), Rudolph, Rusche, Scott, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 67.

NAYS – None.

Absent – Barbieri, Perry, Shepherd. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 36](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 37](#) - INCOME TAX

[H 37](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Kauffman to open debate.

The question being, "Shall [H 37](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen, Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Raybould, Redman, Romrell, Rubel(Green), Rudolph, Rusche, Scott, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 67.

NAYS – None.

Absent – Barbieri, Perry, Shepherd. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 37](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

16TH ORDER Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Monday, February 2, 2015. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:59 a.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk